

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Johnnie David Whitt**
Docket No. **286559**
L.C. No. **87-004374-01-FC**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction because defendant's attempt to appeal the denial of a successive motion for relief from judgment is barred by MCR 6.502(G)(1). The exceptions provided by MCR 6.502(G)(2) for a successive motion for relief from judgment based on a retroactive change in the law or newly discovered evidence are inapplicable to the issues raised in defendant's delayed application.

The motion to waive fees is GRANTED for this case only.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 20 2008

Date

Sandra Schultz Mengel
Chief Clerk